



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAY 26 2010

**INFORMATION REQUEST LETTER**  
**URGENT LEGAL MATTER - PROMPT REPLY REQUESTED**  
**VIA UPS NEXT DAY AIR**

Kaiser Aluminum & Chemical Corporation, LLC  
c/o The Corporation Trust Company  
1209 Orange Street  
Wilmington, Delaware 19801

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA for the Wright Chemical Corporation Superfund Site in Riegelwood, Columbus County, North Carolina (Site #A4XW)

Dear Sir or Madam:

The purpose of this letter is to request that you respond to the enclosed Information Request. The United States Environmental Protection Agency (EPA) is investigating the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Wright Chemical Corporation Superfund Site (Site) located generally at 333 Neils Eddy Road in Riegelwood, North Carolina. This investigation requires inquiry into the identification, nature, and quantity of materials generated, treated, stored, or disposed of at, or transported to, the Site and the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from the Site. EPA is also seeking information relating to the ability of persons to perform response actions at the Site.

**BACKGROUND INFORMATION**

The Site consists of a 38-acre southern parcel and a 720-acre northern parcel, separated by a regional rail corridor. The southern parcel, currently believed to be inactive, was once an acid-phosphate fertilizer plant. The northern parcel contains a sulfuric acid manufacturing plant. Both parcels were combined and purchased in the 1950s by Wright Chemical Incorporated, subsequently known as Wright Chemical Corporation and now, William Gilchrist Wright Properties, Inc. Kaiser Aluminum & Chemical Corporation owned, operated, or leased the Site, or portion thereof, to use in its business.



Environmental sampling has indicated the soil between the former acid plant on the northern parcel and the surface water pathway (Livingston Creek – flows into the Cape Fear River) is contaminated with arsenic, lead, and several pesticides. Livingston Creek is a freshwater creek containing a fishery and wetlands. Downriver there is a brackish estuary that also contains a fishery and wetlands. Sampling has revealed metals and pesticide contamination in Livingston Creek sediments as well as in clam and fish tissue. In addition, de-vegetation is evident down gradient from the sulfuric acid plant in historic aerial photographs. In 1997 a groundwater assessment of the site revealed a groundwater plume of elevated sulfate, iron, and TDS existed beneath the site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby requested to respond to the enclosed Information Request.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request **within 30 days of receipt of this letter**, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to \$37,500 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject the Respondent to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).


This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Response to this Information Request should be mailed to:

Felicia Jackson  
Cost Recovery Specialist  
U.S. Environmental Protection Agency, Region 4  
Superfund Enforcement and Information Management Branch  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909

Due to the seriousness of the problem at the Site and the legal ramifications if you fail to respond properly, EPA strongly encourages you to give this matter immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with EPA prior to the time specified above. Please direct legal questions to Brian K. Thompson, Associate Regional Counsel, at (404) 562-9613. Technical questions should be directed to me at (404) 562-8894. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Felicia Jackson', is written over the word 'Sincerely,'.

Felicia Jackson  
Cost Recovery Specialist  
Superfund Enforcement & Information  
Management Branch

Enclosure

**WRIGHT CHEMICAL CORPORATION SUPERFUND SITE**  
**INFORMATION REQUEST – KAISER ALUMINUM & CHEMICAL CORPORATION**

**INSTRUCTIONS**

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though you may contend that it includes possibly confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

## DEFINITIONS

The following definitions shall apply to the following words as they appear in this Information Request:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms the "Site" or "facility" shall mean and include the properties on or about 333 Neils Eddy Road, Riegelwood, Columbus, North Carolina.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
5. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
6. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
7. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
8. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
9. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
10. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

11. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
12. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
13. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
14. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes electronic documents, writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
15. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
16. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

17. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

## QUESTIONS

1. Identify the person (s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. Identify the current record owner and/or operator of the Site. State the dates during which the current owner and/or operator owned, operated, or leased any portion of the Site and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including, but not limited to purchase and sale agreements, deeds, leases, indemnification documents, etc.
5. If you are not the current owner and/or operator of the Site, state the dates during which you owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including, but not limited to purchase and sale agreements, deeds, leases, indemnification documents, etc.
6. Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Site.
  - a. Partners or joint ventures;
  - b. Any contractor, subcontractor, of licensor with any presence or activity on the Site (service contractors, remediation contractors, management and operator contractors, licensor providing technical support to licensed activities);
  - c. Any person leasing the Site;
  - d. Utilities, pipelines, railroads and any other person with activities and/or easements regarding the Site;
  - e. Major financiers and lenders
  - f. Any person who exercised actual control over any activities or operations on Site;
  - g. Any person who held significant authority to control any activities or operations on Site;



7. At the time you acquired or operated the Site, did you know or have reason to know that any hazardous substances were disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.
8. Did you acquire the Site, or any portion thereof, by inheritance or bequest? Describe all facts on which you base the answer to this question.
9. Did you purchase the Site, or any portion thereof, for a price that was less than fair market value due to contamination or any other factor? Please describe all the facts on which you base the answer to this question.
10. Provide copies of your sale/purchase agreement for the above referenced property along with any relevant document pertaining to your acquisition of the property, including, but not limited to, any indemnification agreements, notices of contamination at the property, or environmental sampling results of any portion of the Site or neighboring parcels.
11. Provide information about the Site, including but not limited to the following:
  - a. Property boundaries, including a written legal description;
  - b. Location of groundwater wells or underground utilities (telephone, electrical, sewer, water main...etc);
  - c. Storm water drainage system or sanitary sewer system, including septic tank(s), subsurface disposal field(s), and other underground structures and where, when and how such systems are emptied;
  - d. All maps and drawing of the Site in your possession.
12. Describe the nature of your activities or business at the Site.
13. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances? If the answer to the preceding question is anything other than an unqualified "no", identify:
  - a. In general terms the nature and quantity of the non-hazardous substances that were used, purchased, generated, stored, treated, disposed, or otherwise handled at the Site.
  - b. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance so used, purchased, generated, stored, treated, disposed, or otherwise handled at the Site.
  - c. The persons who supplied you with each such hazardous substance.
  - d. When and how each such hazardous substance was used, purchased, generated, stored, treated, disposed, or otherwise handled at the Site.

14. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning the Site during your ownership or operation. Provide copies of all documents associated with such an occurrence.
15. Provide a list of all local, state, and federal environmental permits granted for the Site or any part thereof (e.g., RCRA Permits, NPDES Permits, etc.)
16. Describe the acts or omissions of any persons, other than your employees, agents or those persons with whom you had a contractual relationship that may have caused the release or threat of release of hazardous materials at the Site. In addition:
  - a. Describe all precautions that you took against foreseeable acts or omissions of any such third parties, including but not limited to, Heck Sealant, Hexion Specialty Chemicals, Wright Chemical Incorporated (also known as Wright Chemical Corporation and William Gilchrist Wright Properties, Inc.), Acme Chemicals, Inc., Koch Sulfur Products Company, and the consequences that could foreseeably result from such acts or omissions.
  - b. Describe the care you exercised with respect to the hazardous materials at the Site. In other words, describe any affirmative acts you have taken to address the hazardous materials at the Site, including any actions to mitigate continuing releases into the environment and to limit the threat posed to human health or the environment.
17. Describe all current and past arrangements or contractual relationships that you have or had with the following entities: Heck Sealant, Hexion Specialty Chemicals, OakBark Corporation, Wright Chemical Incorporated (also known as Wright Chemical Corporation and William Gilchrist Wright Properties, Inc.), Acme Chemicals, Inc., and Koch Sulfur Products Company.
18. To the extent you have knowledge, for each and every past or current owner, operator, lessor, or lessee of any portion of the Site, other than you:
  - a. Identify such person and the nature of their operation at the Site;
  - b. Describe the portion of the Site owned, operated, or leased by each such person and state the dates during which each portion was owned, operated or leased;
  - c. Provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to, purchase and sale agreements, deeds, leases, etc;
  - d. Provide all evidence that hazardous materials were released or threatened to be released at the Site during the period that they owned the Site.
19. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrogeology, or air quality on or about the Site? If so:

- a. Describe the nature and scope of these investigations;
  - b. Identify the persons who are undertaking or will undertake these investigations;
  - c. Describe the purpose of the investigations;
  - d. State the dates of such investigations;
  - e. Describe as precisely as possible the locations at the Site where such investigations are taking or will take place.
20. Describe the nature/organizational structure of your business, including state incorporations, subsidiaries, parent companies, and number of employees.
21. Identify the officers, managers, and majority shareholders of Kaiser Aluminum & Chemical Corporation., and the nature of their management duties, and amount of shares held, respectively.
22. Identify all persons who may be responsible for the liabilities of Respondent arising from or relating to the release or threatened release of hazardous substances at the Site, including but not limited to successors, officers, and individuals.
23. Identify any of the employees, officers, managers, and/or majority shareholders of Kaiser Aluminum & Chemical Corporation that are in any way connected with any person or entity that currently owns, operates, and/or leases the Site. Describe the nature of the connection along with details as to the current owner, operator, and/or leasor.
24. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
25. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.